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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,814	08/19/2003	Takeshi Takachi	SIC-03-025	1813
29863	7590	10/20/2004	EXAMINER	
DELAND LAW OFFICE P.O. BOX 69 KLAMATH RIVER, CA 96050-0069			WILLIAMS, THOMAS J	
		ART UNIT	PAPER NUMBER	
		3683		
DATE MAILED: 10/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. ..	Applicant(s)
	10/604,814	TAKACHI, TAKESHI
Examiner	Art Unit	
Thomas J. Williams	3683	

*– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 August 2004.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 6-20 is/are allowed.

6)  Claim(s) 1-5 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed August 27, 2004.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,570,760 to Lai.

Re-claim 1, Lai discloses a bicycle hub, comprising: a hub shaft 31; a hub shell 30; a brake force control mechanism is housed by the shell, wherein the brake force control mechanism is adapted to receive a braking force from a braking device 24, the brake force control mechanism includes a brake force adjusting force mechanism 23 (column 3 lines 3-5) that can be accessed for adjustment while the brake force control mechanism is housed within the hub shell, the brake force adjusting mechanism communicates the braking force from the braking device to the hub shell. The adjusting mechanism is designed to adjust the level of brake force communicated from the braking device to the brake block 10 and ultimately the hub shell.

Re-claims 2 and 3, the brake force adjusting mechanism is accessible from both an axial and radial direction.

Re-claim 4, the brake force control mechanism comprises: a brake side member 21 engages a braking device; and a friction engagement unit 10 that creates a friction force in a brake force transmission path between the brake side member 21 and the hub shell 30.

Re-claim 5, the brake force control mechanism further comprises a friction force adjusting unit that allows the friction force to be adjusted while the brake control mechanism is housed within the hub shell. The friction force adjusting unit is interpreted as being the brake force adjusting unit.

4. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0057032 A1 to Liu.

Re-claim 1, Liu discloses a bicycle hub, comprising: a hub shaft; a hub shell 2; a brake force control mechanism is housed by the shell, wherein the brake force control mechanism is adapted to receive a braking force from a braking device (brake cord, see paragraph 26) and includes a brake force adjusting force mechanism 92 that can be accessed for adjustment while the brake force control mechanism is housed within the hub shell, and wherein the brake force adjusting mechanism communicates the braking force from the braking device to the hub shell. The adjusting mechanism is designed to adjust the level of brake force communicated from the braking device to the power disc 91 and ultimately the hub shell.

Re-claims 2 and 3, the brake force adjusting mechanism is accessible from both an axial and radial direction.

Re-claim 4, the brake force control mechanism comprises: a brake side member 91 engages a braking device; and a friction engagement unit 3 or 94 that creates a friction force in a brake force transmission path between the brake side member 91 and the hub shell 2.

Re-claim 5, the brake force control mechanism further comprises a friction force adjusting unit that allows the friction force to be adjusted while the brake control mechanism is housed within the hub shell.

***Allowable Subject Matter***

5. Claims 6-20 are allowed.

***Response to Arguments***

6. Applicant's arguments filed August 27, 2004 have been fully considered but they are not persuasive. The applicant states that the prior art of record fails to disclose the braking force adjusting mechanism functioning as an intermediary in the transmission of the braking force from the braking device to a hub shell. However, it is noted by the examiner that the braking force adjusting mechanism of the instant invention also fails to function as an intermediary in the transmission of the braking force from the braking device to the hub shell. An intermediary element should be intermediate both recited elements. Therefore, it appears the arguments do not support the claim language. Furthermore, in each of the prior art references as in the instant application it is interpreted by the examiner that the braking force adjusting mechanism communicates the braking force (or level thereof) from the braking device to the hub shell. Therefore, it is the opinion of the examiner that the prior art of record anticipates the claim as amended.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

THOMAS WILLIAMS  
PATENT EXAMINER

TJW

October 15, 2004

Thomas Williams  
AU 3683  
10-15-04